IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.486 OF 2007

Shri Vithal Baburao Thopte
and another .. Appellants

Versus

Modern Enrica Constructions
Pvt.Ltd. and ors. .. Respondents

Shri S.M. Sakhardande i/b. H.G.Dharmadhikari for the Appellants.
Shri S.S.Kanetkar for Respondent No.1.

CORAM : S.R. SATHE,J.
DATED : 26/10/2007

P.C. :-

Heard both the learned Advocates.

Representative of Respondent, Mr.Anil D'souza is present before me.

Both the learned Advocates submitted that parties have amicable settled the A.O. in terms of minutes of orders marked 'x' for identification and order be passed in the those terms. Hence minutes of order taken on record and following order is passed :-

O R D E R

1. The order dated 18/09/2007 passed by this Court is recalled.

2. The impugned order dated 09/04/2007 passed by the learned 13th Joint C.J.S.D. Pune below Exhibit 34 in Special Civil Suit No.249 of 2005 is set aside and substituted by following order.

3. The Appellants herein undertake to reserve as and by way of security for the suit claim of Respondent No.1, an area of 6000 sq.ft. built up in the residential complex to be constructed by the Appellants by himself or through his legal heirs any agent, developer in the suit property i.e. the lands bearing Survey No.74A/6/2 (part) admeasuring 0H 24 R, Survey No.74A/4/7/2 (part) admeasuring OH 24 R, Survey No.74A/7+8/2 admeasuring OH 40 R, Survey No.74A/5 (part) admeasuring OH 28 R, Survey No.74A/7+8/1/2 (part) admeasuring OH 04 R totaling to 1H 20R situated at Village Ghorpadi, Taluka Haveli District : Pune by the Respondent No.1 till the hearing and final disposal of the Special Civil Suit No.249 of 2005 pending on the file of the learned C.J.S.D. Pune and further undertake not to part with possession thereof and/or not to dispose off and/or alienate or create third party rights in respect of such reserved area out of suit

property.

4. Undertaking to be filed by the Appellants in this Court within a period of two weeks from today.

5. In view of the above, the Appeal is disposed off. No order as to costs.

6. In view of the disposal of the Appeal, the C.A. is accordingly disposed off.

7. This order is without prejudice to rights and contention of both the parties.

(S.R.SATHE,J.)